.3. Single Bench CF 1062

IN THE HIGH COURT OF JUDICATURE, CHHATTISGARH

AT BILASPUR

WRIT PETITION (S) NO. 4916 / 2006

PETITIONER : **Girdhari Ram Yadav**
Aged about 35 years
S/o Late Shri Jayokumar Yadav,
Assistant Teacher,
Adim Jati Kalyan Prathamik shalla,
Pandaripani Vikaskhand
JASHPUR District : Jashpur (CG)

P.R. No. 4947/06
Presented by Shri A.P. Sharma
dated 6/9/06

VERSUS

RESPONDENTS : 1. State of Chhattsgarh
Through – The Secretary ,
Adim Jati Tatha Anusuchitjanjati
Department, Mantralay,
D.K. S. Bhawan, RAIPUR (CG)

2. The Appellate Authority,
Department of Trible Welfare,
D.K.S. Bhawan, Mantralay
RAIPUR (CG).

3. The Commissioner
Tribal Welfare department
State of Chhattisgarh
RAIPUR (CG)

4. The Assistant Commissioner
(Trible Welfare)
JASHPUR (CG)

5. The Collector
JASHPUR (CG)

6. The Collector
Trible Welfare Department
JASHPUR (CG)

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4.

7. The Chief Executive Officer
Janpat Panchayat,
JASHPUR NAGAR

8. The Chief Executive Officer
District Panchayat,
JASHPUR (CG)

9. Shri Baldev Ram Bhagat
Assistant Teacher,
Primary School Pandripani,
Vikaskhand Jashpur
JASHPUR (CG)

10. Ku. Shilpa Subha Kuzur
Shikhsa Karmi Grade-III
Prathmik Shala Pandripani,
Vikaskhand Jashpur,
Distt. JASHPUR (CG).

11. Ku. Afrozjahan
Shakshakarmi Grade III
Upper Primary School
Raikona Vikaskhand
JASHPUR (CG)

WRIT PETITON UNDER ARTICLE 226/227 OF THE CONSTITUTION OF INDIA FOR ISSUANCE OF THE WRIT IN THE NATURE OF MANDAMUS ,CERTIORARI OR ANY OTHER DIRECTION OR ORDER TO DO JUSTICT IN THE MATTER

(72)

HIGH COURT OF CHHATTISGARH AT BILASPUR

S.B. : Hon'ble Mr. Satish K. Agnihotri, J.

W. P. (s) No. 4916 of 2006

Petitioner : Girdhari Ram Yadav

versus

Respondents : State of Chhattisgarh & others

Present :

Shri Uttam Pandey, counsel for the petitioner.

Shri Satish Gupta, Dy. Govt. Advocate for the respondents/State.

ORDER

(Passed on 8th September, 2006)

1. Learned counsel appearing for the petitioner submits that the petitioner was working as Assistant Teacher and was posted at the relevant time in Primary School, Pandaripani, Development Block-Jashpur.

2. By order dated 5.7.2006 (Annexure P/7), service of the petitioner was transferred from Primary School, Pandaripani, Development Block-Jashpur to Block Development Resources Centre, Manora, District-Jashpur as Supportive Teacher under the Rationalization (Yuktiyuktkaran) Policy, 2006.

3. Being aggrieved, the petitioner preferred an appeal before the respondent No. 3/Commissioner, Scheduled Caste and Scheduled Tribe Welfare Department, Chhattisgarh, Raipur. The respondent No. 3, by order dated 8.8.2006 (Annexure P/15), dismissed the appeal.

4. The petitioner has challenged the impugned order dated 8.8.2006 passed by the respondent No. 3/Commissioner, on the ground that the appeal is not maintainable before the respondent No. 3, but the appeal is maintainable before the respondent No.1/Secretary, Adim Jati Tatha Anusuchitjanjati. Thus, consideration and decision of the respondent No. 3 is bad in law. Learned counsel for the petitioner does not press any other point.

5. Having heard learned counsel for the parties and having perused the records, it is evident that under clause-7 of the Rationalization (Yuktiyuktkaran) Policy, 2006 the appeal is maintainable to the Commissioner against the order passed by the Assistant Commissioner. Thus, contention of the petitioner cannot be countenanced. The impugned order was passed by the Assistant Commissioner and the appeal was rightly considered and decided by the respondent No. 3/ Commissioner, Scheduled Caste and Scheduled Tribe Welfare Development, Chhattisgarh, Raipur as per Rationalization (Yuktiyuktkaran) Policy, 2006.

6. There is no merit in this case. Thus, the writ petition is dismissed accordingly. No order as to costs.

Sd/-
Satish K. Agnihotri
Judge

Bablu